

**MEDICAL EXAMINING BOARD  
MINUTES  
FEBRUARY 17, 2010**

**PRESENT:** Carolyn Bronston, Jude Genereaux, Dr. Jerold Harter, Dr. Sujatha Kailas, Dr. Raymond Mager, Dr. Suresh Misra, Dr. Gene Musser, Dr. Sandra Osborn, Dr. Bhupinder Saini, Dr. Sheldon Wasserman (arrived 8:15)

**EXCUSED:** LaMarr Franklin, Dr. Jack Lockhart, Dr. Ian Munro

**STAFF:** Thomas Ryan, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant

**GUESTS:** Anne Hletko, Council on Physician Assistants; Mark Grapentine, WMS; Eric Jensen, WAPA; Jack Lund, Robert Stupi, Jake Peterson, Sara Strom, Peter Shearer and Bryan Brooks, WAAA; James Messerow and Robert Koebut, WI Society of Anesthesiologists; Cathy Diexler, Medical College of WI; Patricia Epstein, Bell, Moore and Richter; Judy Warmuth, WI Hospital Association

**CALL TO ORDER**

Sujatha Kailas, Chair, called the meeting to order at 8:01 a.m. A quorum of nine (9) members was present.

**APPROVAL OF AGENDA**

**Amendments:**

- Minutes of January 20, 2010 (Open Session) – insert after page 6
- Item “F” (Open Session) – insert after page 68:
  - Assembly Amendment 1, to 2009 Assembly Bill 588
  - Review of preliminary draft relating to duties of physicians and of the Medical Examining Board
- Regulatory Digest Draft (Open Session) – insert after page 76
- After Item “I” (Closed Session), insert after page 90:
  - Deliberation of Proposed Stipulation and Final Decision and Order in the Matter of Disciplinary Proceedings Against Lale D. Cowgill, MD – Case Advisor – Jack Lockhart

**MOTION:** Gene Musser moved, seconded by Jerold Harter, to approve the agenda as amended. Motion carried unanimously.

## **APPROVAL OF MINUTES OF JANUARY 20, 2010**

### **Corrections:**

- On Page 1, under APPROVAL OF AGENDA, AMENDMENTS, in the Deliberation of Proposed Stipulations, delete “action” and replace with “proceedings against”.
- On Page 2, under PRESENTATION OF PROPOSED STIPULATIONS, delete “action” and replace with “proceedings against” in all four stipulations.
- On Page 3, under ANNUAL POLICY REVIEW, delete the second sentence. In the third sentence, delete “fourteen (14)” and replace with “ten (10)”.
- On Page 5, under LEGISLATIVE LIAISON REPORT, OTHER PRIORITIES, Item b, delete “Mandatory Reporting” and replace with “Continuing Education”
- On Page 6, under TELEMEDICINE, in the first sentence delete “telemedicine grant and a”

**MOTION:** Jerold Harter moved, seconded by Carolyn Bronston, to approve the minutes of January 20, 2010 as corrected. Motion carried unanimously.

### **PRESENTATION OF PROPOSED STIPULATIONS**

#### **JOHN KISER, MD**

DOE attorney Jim Polewski presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary proceedings against John Kiser, MD. This will be deliberated in closed session.

#### **PASTOR COLON, MD**

DOE attorney Jim Polewski presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary proceedings against Pastor Colon, MD. This will be deliberated in closed session.

#### **LALE D COWGILL, MD**

DOE attorney Pamela Stach presented a Proposed Stipulation and Final Decision and Order in the matter of disciplinary proceedings against Lale D. Cowgill, MD. This will be deliberated in closed session.

### **ADMINISTRATIVE REPORT**

#### **Update on MEB Bureau Staff Recruitment**

Tom Ryan updated the Board on staff recruitment. Another attorney position in DOE should be filled soon.

**Council Appointments – Consideration of Mike Tonne, PA-C to the Council on Physician Assistants**

**MOTION:** Gene Musser moved, seconded by Raymond Mager, to appoint Mike Tonne, PA-C, to the Council on Physician Assistants. Motion carried unanimously.

**Practice Question Procedure and FAQ'S**

Practice questions are currently sent to the board member whose area of expertise most closely relates to the question. Sujatha Kailas asked that any questions considered for publication on the DRL website under FAQ's should first be reviewed by her and the full board if necessary.

**Administrators in Medicine (AIM) Participation**

DRL has joined the Administrators in Medicine (AIM). The AIM meeting is scheduled for the same day as the April Board meeting. Gene Musser stated it is important for Tom Ryan to attend the AIM meeting and another bureau director should staff the Board meeting.

**Non-Voting Member of the Medical Examining Board – Dr. John Kelly, MD, Chair of the Patients Compensation Fund's Peer Review Council – Possible Appearance**

Tom Ryan contacted Dr. John Kelly, who is out of state until later this year. Dr. Kelly will be invited to appear at a future Board meeting.

**DRL Education and Consumer Protection Topics**

Sujatha Kailas suggested the Board learn more about DRL and the functions of the different divisions and employees and how they serve the MEB. She would like to have a staff member give a brief presentation at every other Board meeting. In the alternating months, Dr. Kailas would like to discuss consumer protection topics.

**FEDERATION OF STATE MEDICAL BOARDS (FSMB) 98<sup>TH</sup> ANNUAL MEETING – APRIL 22-24 – CHICAGO, IL**

Sujatha Kailas' term on the FSMB Nominating Committee ends in April. She encouraged the other Board members to apply from the floor.

A request for funding has been made to cover travel expenses. Jim Parker, Budget Director, will be invited to the next meeting to discuss the MEB funding. The Notices of Intent to Travel will be filed soon within the Division of Board Services. Sujatha Kailas will be funded by the FSMB and Sandra Osborn will be funded by DRL. The Board has also applied to the FSMB for funding for a public member.

## **UPDATE ON BOARD COMMITTEES**

Sujatha Kailas appointed herself, Jude Genereaux, Gene Musser and Sandra Osborn to the Outreach Committee. The Committee will meet immediately after the March 17 Board meeting.

## **SCREENING PANEL REPORT**

Carolyn Bronston reported the Screening Panel screened 34 cases, opened 12 and sent two 10-day letters.

## **ASSEMBLY BILL 671, RELATING TO LICENSING ANESTHESIOLOGY ASSISTANTS AND CREATING THE COUNCIL ON ANESTHESIOLOGIST ASSISTANTS**

Bryan Brooks, Legislative Counsel for the Wisconsin Academy for Anesthesiologist Assistants spoke to the Board regarding AB 671.

**MOTION:** Sheldon Wasserman moved, seconded by Suresh Misra, to support Assembly Bill 671. Motion carried unanimously.

## **LEGISLATIVE LIAISON REPORT**

Gene Musser reviewed the following legislation with the Board:

- Draft legislation related to reporting requirements, summary suspensions, resident prescribing and continuing education
- AB 227 relating to directing the Pharmacy Examining Board to monitor the dispensing of prescription drugs
- AB 267 relating to licenses and limited x-ray machine operator permits to engage in the practice of radiology and creating a radiography examining board
- AB 273 relating to podiatrist-patient privilege, immunity exemptions and podiatrist determinations of illness
- AB 275 relating to the Physical Therapists Affiliated Credentialing Board
- AB 440 relating to licensure of dietitian nutritionists
- SB 482 relating to the practice of athletic trainers
- AB 653 relating to prescriptions for antimicrobial drugs for the treatment of chlamydial infections, gonorrhea, or trichomoniasis
- AB 588 and Amendment 1 relating to changes to the regulation of massage therapy and bodywork, creating the Massage Therapy and bodywork Therapy Examining board, and granting rule making authority

**MOTION:** Jude Genereaux moved, seconded by Carolyn Bronston, that the Medical Examining Board respectfully opposes the amendment to Assembly Bill 588 and to authorize Hector Colon or Board designee to communicate this information to the author of the amendment. Motion carried unanimously.

- Preliminary draft (not ready for introduction) relating to duties of physicians and of the Medical Examining Board

The Board discussed this draft and made changes.

**MOTION:** Jerold Harter moved, seconded by Carolyn Bronston, to support the draft as changed and to have Sheldon Wasserman and Gene Musser rewrite the preliminary draft. Motion carried unanimously.

### **UPDATE ON PENDING ISSUES**

- Chelation Informed Consent Rule -noted
- Impaired Professionals Procedure Task Force will meet in March to start the redrafting of rules

### **FEBRUARY 2010 REGULATORY DIGEST**

The Board reviewed the draft of the Regulatory Digest and made a few corrections.

**MOTION:** Carolyn Bronston moved, seconded by Jude Genereaux, to adopt the Regulatory Digest as amended. Motion carried unanimously.

The corrections will be made and the Regulatory Digest will be published on the DRL website.

### **FSMB REPORT/UPDATE**

Gene Musser, Sujatha Kailas and Sandra Osborn each gave a brief report on the FSMB.

### **APPLICATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

### **EXAMINATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

### **CONTINUING EDUCATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**PRACTICE QUESTIONS THAT MAY BE RECEIVED IN THE BUREAU AFTER  
MAILING OF THE AGENDA**

None.

**APPEARANCES FROM REQUESTS RECEIVED OR RENEWED AFTER  
MAILING OF THE AGENDA**

None.

**INFORMATIONAL ITEMS**

None.

**OTHER BUSINESS**

None.

**PUBLIC COMMENTS**

None.

**RECESS TO CLOSED SESSION**

**MOTION:** Gene Musser moved, seconded by Sandra Osborn, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Roll call vote: Carolyn Bronston-yes; Jude Genereaux-yes; Jerold Harter-yes; Sujatha Kailas-yes; Raymond Mager-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Dr. Bhupinder Saini-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 10:36 a.m.

**RECONVENE IN OPEN SESSION**

**MOTION:** Carolyn Bronston moved, seconded by Jerold Harter, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 11:55 a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED  
SESSION**

**MOTION:** Suresh Misra moved, seconded by Jerold Harter, to reaffirm all motions made during closed session. Motion carried unanimously.

**PROPOSED STIPULATIONS**

**JOHN KAISER, MD**

**MOTION:** Gene Musser moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against John Kaiser, MD. Motion carried unanimously.

**PASTOR COLON, MD**

**MOTION:** Gene Musser moved, seconded by Bhupinder Saini, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Pastor Colon, MD. Motion carried unanimously.

**LALE D COWGILL, MD**

**MOTION:** Carolyn Bronston moved, seconded by Jerold Harter, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Lale D. Cowgill, MD. Motion carried unanimously.

**CASE CLOSINGS**

**08 MED 401**

**MOTION:** Gene Musser moved, seconded by Suresh Misra, to close case **08 MED 401** for compliance gained. Jerold Harter abstained. Motion carried.

**09 MED 208**

**MOTION:** Carolyn Bronston moved, seconded by Jerold Harter, to close case **09 MED 208** for prosecutorial discretion. Motion carried unanimously.

**07 MED 282**

**MOTION:** Gene Musser moved, seconded by Raymond Mager, to close case **07 MED 282** for no violation. Motion carried unanimously.

**09 MED 212**

**MOTION:** Bhupinder Saini moved, seconded by Suresh Misra, to close case **09 MED 212** for insufficient evidence. Motion carried unanimously.

**09 MED 276**

**MOTION:** Jerold Harter moved, seconded by Gene Musser, to close case **09 MED 276** for prosecutorial discretion. Motion carried unanimously.

**09 MED 381**

**MOTION:** Jerold Harter moved, seconded by Bhupinder Saini, to close case **09 MED 381** for no violation. Motion carried unanimously.

**08 MED 340**

**MOTION:** Bhupinder Saini moved, seconded by Jude Genereaux, to close case **08 MED 340** for no violation. Motion carried unanimously.

**09 MED 146**

**MOTION:** Raymond Mager moved, seconded by Bhupinder Saini, to close case **09 MED 146** for no violation. Motion carried unanimously.

**09 MED 310**

**MOTION:** Bhupinder Saini moved, seconded by Jerold Harter, to close case **09 MED 310** for compliance gained. Carolyn Bronston-no, Gene Musser-no, Sheldon Wasserman-no. Motion carried.

**MONITORING**

There were no monitoring cases.

**RATIFYING LICENSES AND CERTIFICATES**

**MOTION:** Sandra Osborn moved, seconded by Raymond Mager, to ratify all licenses and certificates presented. Motion carried unanimously.



**ADJOURNMENT**

**MOTION:** Sandra Osborn moved, seconded by Raymond Mager, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:58 a.m.

**THE NEXT MEETING IS MARCH 17, 2010**